



Item .....
Meeting..... 2011 Jul 25

COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2011 July 20  
**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06  
*Reference: LLA#11-05*  
**SUBJECT: LIQUOR LICENCE APPLICATION #11-05**  
**JAMES STREET CAFE & GRILL**  
**3819 CANADA WAY (SEE ATTACHED SKETCH #1)**  
**PURPOSE:** To provide Council with a recommendation regarding the subject food primary liquor licence.

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**RECOMMENDATIONS:**

1. **THAT** Council not support the requested patron participation entertainment at the subject food primary liquor establishment, as described in Section 3.0 of this report.
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Mr. Anish Lakhani, 5467 Hardy Court, Burnaby, BC V5G A06.

**REPORT**

**1.0 BACKGROUND INFORMATION**

- 1.1 This Department has received an application to amend the existing food primary licence for the James Street Café & Grill at 3819 Canada Way to permit patron participation entertainment within the restaurant, specifically the development of a 400 sq. ft. dance floor with amplified live and/or DJ disc jockey music.
- 1.2 The Liquor Control and Licencing Branch (LCLB), as part of their assessment process of food primary liquor licence applications, requests that local government provide comment on applications requesting patron participation entertainment. LCLB regulations also state that if the amendment to the licence may affect nearby residents, local government must gather the view of the residents.
- 1.3 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor licence applications. Based on the adopted guidelines, City comment is provided on applications for patron participation entertainment proposals. Each request for patron participation entertainment, such as dinner and dance, is considered on a case by case basis, based on an assessment of potential community impacts. However, as background but related information, it is noted that, under Section 50 of the Liquor Control and Licensing Act, generally Council has the ability to regulate and/or prohibit any or all types of

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entertainment generally permitted by the Act. Furthermore, it is acknowledged that patron participation entertainment is not permitted by the L.C.L.B. to extend beyond 12:00 midnight.

The LCLB was advised of these adopted recommendations. This report provides comment on this application based on the adopted guidelines.

## 2.0 NEIGHBOURHOOD CONTEXT

2.1 The subject property at 3819 Canada Way, currently zoned C4 Service Commercial District, is located on the northeast corner of Canada Way and Smith Avenue, near the eastern end of a short, strip commercial area that is oriented to Canada Way and extends west to Boundary Road (see Sketch #1 *attached*). The property is improved with two newer, one-storey buildings. The James Street Café occupies the westerly building, while an auto-repair shop occupies the easterly building. A large, surface parking area is located between the two buildings. To the immediate north are single- and two-family dwellings; to the west is a mixed-use development under construction; to the east is a small two-storey commercial building; and to the south across Canada Way is a gas station.

## 3.0 SUBJECT APPLICATION

3.1 The James Street Café and Grill is approved with a seating capacity of 70-seats, including 12 outdoor-patio seats, and from a liquor licensing viewpoint, is licensed as a food primary establishment. The permitted hours of liquor sales within both the interior and outdoor patio areas of the restaurant are currently as follows:

- 9:00 a.m. to 10:00 p.m., Sunday to Thursday; and
- 9:00 a.m. to 12:00 a.m., Friday and Saturday.

No change to the above noted hours of liquor service are proposed with this application.

3.2 This application is for an amendment to the existing food primary liquor licence to permit patron participation entertainment within the restaurant establishment. Specifically, the applicant proposes to install a 400 sq. ft. dance floor within the restaurant to accommodate dinner and dance entertainment with live and/or amplified DJ music.

3.3 Arising from Planning Department review of the proposed amendment to the food primary liquor licence, several concerns were raised regarding the size and operations of the requested patron participation entertainment, and its potential impact to the surrounding residential area.

The proposed dance floor, if approved, would occupy about 17% of the public dining area of the restaurant which has an area of approximately 2,400 sq. ft. It is the opinion of staff that the large size of the dance floor is not consistent with the approved restaurant use and intent of the food primary liquor licence, and is similar in scale to a banquet facility or liquor

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primary-club establishment, posing potential traffic safety concerns within the site and surrounding residential neighbourhoods, as the site has not been developed to accommodate more intensive commercial uses. The proposed patron participation entertainment also poses noise concerns related to the music emanating from the dance floor/patron participation entertainment area which could impact neighbouring residential areas.

- 3.4 In response to this application, input has also been solicited from relevant City Departments, including the RCMP Burnaby Detachment.

Engineering - Environmental Services Division has expressed concerns regarding the requested amendment to include patron participation entertainment (dinner and dance) within the restaurant establishment, given a past history of music-related noise complaints related to the current James Street Café & Grill restaurant operations on the property.

The RCMP have indicated that they have no concerns regarding the requested amendment to the existing food primary liquor licence.

- 3.5 Given the size and scale of the requested patron participation entertainment and potential noise-related concerns with amplified live or DJ music emanating into nearby residential neighbourhoods, this Department does not support the requested amendment to the existing food primary liquor licence.

#### 4.0 CONCLUSION

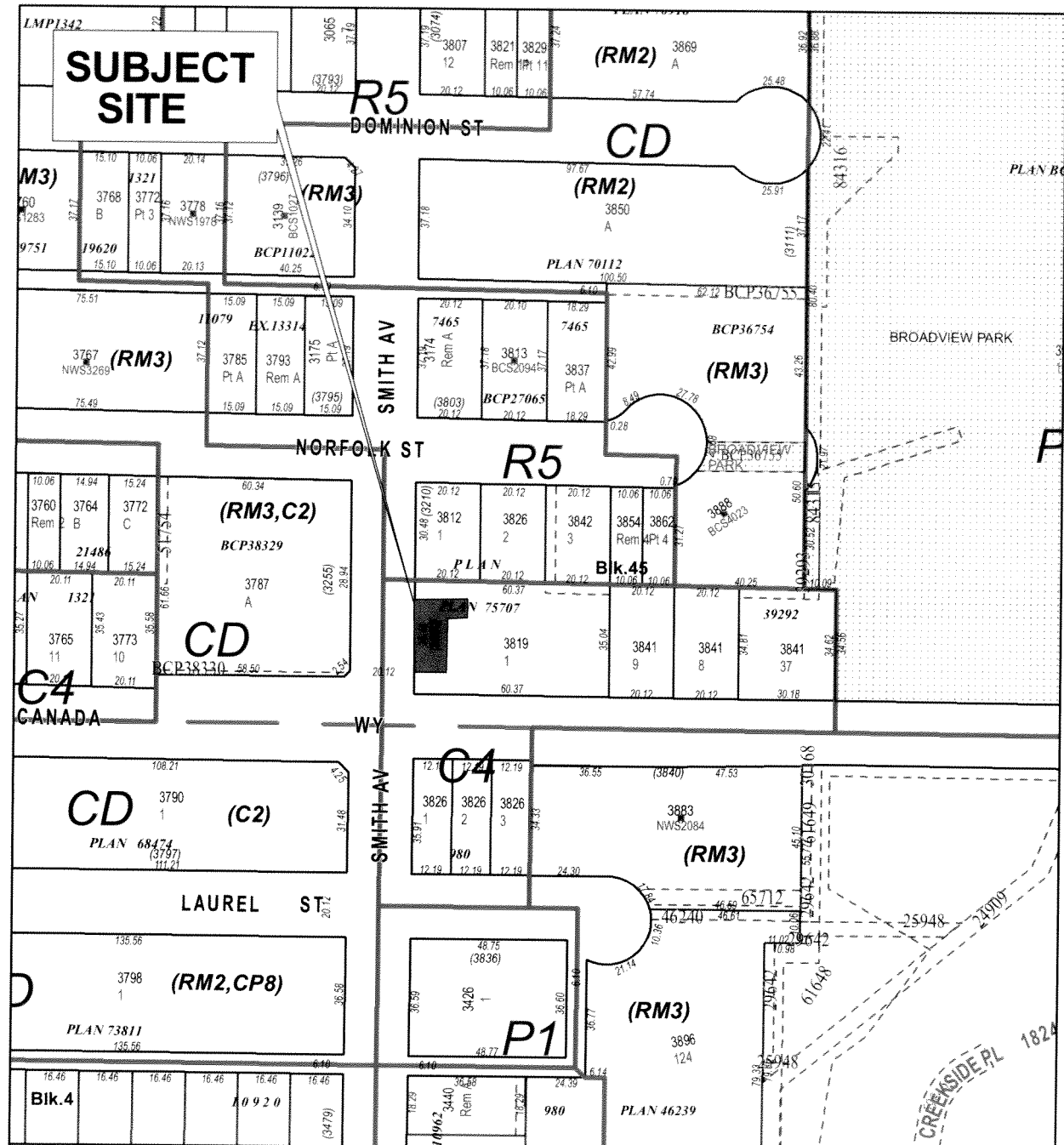
Given that the dance floor component is disproportionately large, 17% of the overall public dining area, the proposed use is not considered to be consistent with the approved restaurant use and intent of the food primary liquor licence. This proposed use would be more similar in scale to what would be expected at a banquet facility or liquor primary-club establishment. Staff therefore recommend that Council not support the requested patron participation entertainment at the subject food primary establishment, as described in Section 3.0 of this report. Staff also recommend that a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Mr. Anish Lakhani, 5467 Hardy Court, Burnaby, BC V5G A06.




B. Luksun, Director  
PLANNING AND BUILDING

ZM:spf

cc: Officer-in-Charge, RCMP, Burnaby Detachment  
Director Engineering, Environmental Services Division  
Chief Licensing Inspector, Licensing Department



		PLANNING & BUILDING DEPARTMENT	
DATE: JULY 05 2011		<b>Requested Amendment to Existing Food Primary Liquor Licence          James Street Cafe &amp; Grill          3819 Canada Way</b>	
SCALE: 1:2,000			
DRAWN BY: DJ			

Sketch #1